

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

OP.No. 27501 of 2001(Y)

PETITIONER:

**LUVIS MATHEW, HEADMASTER,
LOURDHU MATHA HIGH SCHOOL,
PALLIKUNNU P.O., WYNAD.**

BY ADV. SRI.GOVIND K.BHARATHAN

RESPONDENTS:

- 1. STATE OF KERALA REP.BY SECRETARY TO GOVERNMENT,
EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTION, THIRUVANANTHAPURAM.**
- 3. THE DISTRICT EDUCATIONAL OFFICER, THALASSERI./**
- 4. THE DISTRICT EDUCATIONAL OFFICER, WYNAD.**
- 5. THE CORPORATE MANAGER, R.C.DIOCESE OF CALICUT,
BISHOP'S HOUSE, MALAPARAMBA, CALICUT.**
- 6. P.V.RAMACHANDRAN, HEADMASTER (DESIGNATE),
ST.JOSEPH'S BOYS HIGH SCHOOL , THALASSERI.**
- 7. THE CORPORATE MANAGER, DIOCESE OF KANNUR.**

**BY ADV. SRI.T.A.RAMADASAN
GOVERNMENT PLEADER SMT.K.R.DEEPA**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ORDER ON CMP.NO.44801/2001 IN OP. NO.27501/2001

DISMISSED

11.12.2006

SD/- KURIAN JOSEPH, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER NO.DIS.8522/80-B1 DT.7.10.80 OF THE 3RD RESPONDENT.

EXT.P2:- COPY OF THE SENIORITY LIST MAINTAINED BY THE 5TH RESPONDENT.

EXT.P3:- COPY OF THE STATEMENT OF RELINQUISHMENT GIVEN BY THE 6TH RESPONDENT DT.24.3.99.

EXT.P4:- COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DT. 1.4.99.

EXT.P5:- COPY OF THE TRANSFER ORDER DT.26.3.99 ISSUED BY THE 5TH RESPONDENT.

EXT.P6:- COPY OF THE LETTER DT.20.5.99 SENT BY THE 5TH RESPONDENT TO THE 4TH RESPONDENT.

EXT.P7:- COPY OF THE TRANSFER APPLICATION SUBMITTED BY THE PETITIONER TO THE 5TH RESPONDENT DT.6.1.2000.

EXT.P8:- COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DT.1.4.2000.

EXT.P9:- COPY OF THE REPRESENTATION FILED BY THE PETITIONER TO THE 2ND RESPONDENT DT.7.4.2000.

EXT.P10:- COPY OF THE JUDGMENT IN OP. NO.14592/2000 DT.26.7.2000 OF THIS HONOURABLE COURT.

E.XT.P11:- COPY OF THE JUDGMENT IN WA.NO.2398/2000 OF THIS HONOURABLE COURT.

EXT.P12:- COPY OF THE ORDER NO.D.EM3/23234/01 DT.21.5.01 OF THE 2ND RESPONDENT.

EXT.P13:- COPY OF THE CIRCULAR NO.ET3/91423/01 OF DPI TVM. DT. NIL.

EXT.R5(a):- COPY OF THE CIRCULAR NO.ET3.87201/96 ISSUED BY THE DIRECTOR OF PUBLIC INSTRUCTION DT. 6.1.97.

/TRUE COPY/

tss

Dated this the 11th day of December, 2006

J U D G M E N T

The writ petition is filed with the following prayers:-

“(i) To call for the records leading to Exhibit P12 order of the 2nd respondent and the appointment of the 6th respondent as the Headmaster of the St.Joseph's Boys High School, Thalassery and to issue a writ of certiorari or any other appropriate writ, order or direction quashing the same.

(ii) To issue a writ of mandamus or any other appropriate writ, order or direction directing the 7th respondent to immediately transfer and post the petitioner as the Headmaster of the St.Joseph's Boys High School, Thalassery and the 3rd respondent to approve the same and grant the petitioner all consequential benefits arising therefrom forthwith and strictly in accordance with law.”

In view of the intervening developments whereby the disputed appointee has retired from service, and since there is still a vacancy, petitioner prays for an opportunity to approach the Manager. In the event of a representation being filed by the petitioner, the matter will be considered by the Manager in accordance with law, within another three months. The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE

vps

KURIAN JOSEPH, JUDGE

OP NO.27501/01

JUDGMENT

11th DECEMBER, 2006